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11 COUNTY OF LOS ANGELES, DEPUTY CRISTINA MARTINEZ,
12 DEPUTY CASEY CHESHIER and DEPUTY ADAM PRUITT

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES (JIM) OWENS,

Plaintiff,

vs.

COUNTY OF LOS ANGELES, DEPUTY
MARTINEZ, DEPUTY SHESHIRE, DOES
1-10, inclusive,

Defendants.

) Case No.: CV08-07116 DMG

)
DECLARATION OF
MICHELLE GHALTCHI IN
SUPPORT OF
DEFENDANTS' MOTION
FOR SUMMARY
ADJUDICATION OF ISSUES

) Trial Date: October 4, 2010
PTC Date: September 27, 2010

I, Michelle B. Ghaltchi, state and declare as follows:

1. I am an attorney licensed to practice law in the State of California and in the United States District Court, Central District of California. I am a member of the law offices of Manning & Marder Kass Ellrod Ramirez LLP, attorneys of record for defendants County of Los Angeles, Deputy Cheshier, Deputy Pruitt, and Deputy Martinez ("defendants") in this action. If called and sworn as a witness to testify I am competent to testify and would testify from my own personal knowledge as to the facts set forth in this declaration.

2. On June 18, 2010, as required by Local Rule 7-3, correspondence was sent to plaintiff's counsel prior to the filing of this motion.

1 3. Attached hereto and incorporated herein by reference as Exhibit A is a
2 true and correct copy of Plaintiff's Government Tort Claim filed on March 11, 2008.

3 4. Attached hereto and incorporated herein by reference as Exhibit B are
4 true and correct copies of the relevant portions of plaintiff James Owens' deposition
5 testimony, taken February 25, 2010.

6 I declare under penalty of perjury pursuant to the laws of the United States of
7 America that the foregoing is true and correct.

8 Executed July 19, 2010 at Los Angeles, California.

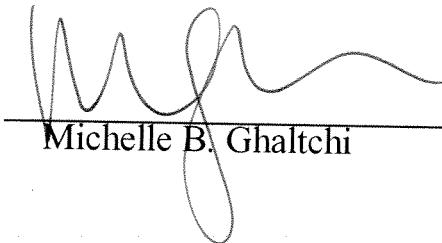
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11 _____
12 Michelle B. Ghaltchi
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EXHIBIT “A”

MAR 12 2008



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CLAIM FOR DAMAGES TO PERSON OR PROPERTY

FILED

08 MAR 11 AM 9:13

WARNING

- Claims for death, injury to person or to personal property must be filed no later than 6 months after the occurrence. (GOV. CODE SECTION 911.2)
- All other claims for damages must be filed no later than one year after the occurrence. (GOV. CODE SECTION 911.2)
- Subject to certain exception, you have only six months from the date of written notice of rejection of your claim to file a court action. (GOV. CODE SECTION 945.6)
- If written notice of rejection of your claim is not given, you have 2 years from accrual of the cause of the action to file a court action. (GOV. CODE SECTION 945.6)

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELESTIME STAMP HERE
FOR OFFICE USE ONLY

1. WHEN AND WHERE DID DAMAGE OR INJURY OCCUR?

DATE: 12/15/07 TIME: 11:40 p.m. STREET ADDRESS OR LOCATION: 4147 169th Street CITY: Lawndale ZIP: 90260

2. NAME(S) OF SHERIFF PERSONNEL INVOLVED:

NAME: Martinez (See Attachment)	STATION / FACILITY: Lennox
NAME: Sheshire	STATION / FACILITY: Lennox

15. WERE THE PARAMEDICS CALLED? NO

16. DID THE CLAIMANT VISIT A PHYSICIAN?

PHYSICIAN'S NAME: Robert Fenton, MD
(310) 543-1154
ADDRESS/PHONE: 3475 Torrance Blvd. #F
Torrance, CA 90503
DATE OF VISIT: 12/17/07

3. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED:
(Use attachments if necessary)

THE EVENING OF THE OCCURRENCE I WAS IN MY RESIDENCE WITH MY FIANCÉE WATCHING TELEVISION. SHE

WAS IN THE PROCESS OF ADDRESSING CHRISTMAS CARDS. SHE STATED THAT SOME OF THE ADDRESSES WERE OUT IN HER VEHICLE AND ASKED IF I WOULD RETRIEVE THEM. I WALKED OUT TO HER VEHICLE DIRECTLY IN FRONT OF THE ABOVE STREET ADDRESS WHEN TWO SHERIFF DEPARTMENT VEHICLES PULLED UP. (Continued on Attachment)

4. WHY DO YOU CLAIM THE SHERIFF'S DEPARTMENT IS RESPONSIBLE?

THE SHERIFF'S DEPUTY THAT ASSAULTED AND BATTERED ME IN A NEGLIGENT, CARELESS AND WILFUL MANNER DID SO WITHOUT PROBABLE CAUSE AND CONTRARY TO THAT WHICH IS SET FORTH IN THE ATTACHED SHERIFF'S

DEPARTMENT HEADQUARTER'S LETTER OF JANUARY 16, 2008.

5. LIST DAMAGES INCURRED TO DATE (Attach Copy of Receipts & Repair Estimates)

PERMANENT INJURY TO LEFT KNEE WHICH WILL NECESSITATE SURGERY.

6. SHERIFF'S DEPARTMENT FILE OR REPORT#

7. NAME OF CLAIMANT (Print Clearly)	8. DRIVER'S LICENSE OR ID. #
JAMES OWENS	A3519711

9. DATE OF BIRTH	10. SOCIAL SECURITY	11. Booking Number (If applicable)
11/12/63	# 541-98-1656	

12. CORRESPONDENCE ADDRESS - (STREET, CITY, STATE, ZIP)

Please correspond with my Attorney:
Philip Daigneault, Esq., 3828 Carson Street, #100, Torrance, CA 90503

13. HOME PHONE (or phone you can be contacted at) 14. BUSINESS PHONE

(310) 227-6046 ()

17. WITNESS TO DAMAGE OR INJURY?

NAME: NANCY ENGLISH
ADDRESS: 4147 169th St.
Lawndale, CA 90260
CITY/PHONE: 310-227-6046

NAME:

ADDRESS:

CITY/PHONE:

TOTAL DAMAGES TO DATE
\$ 15,000.00

TOTAL ESTIMATED DAMAGES
\$ 100,000.00

THIS CLAIM MUST BE SIGNED

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SEC. 72.)

18. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF:

19. PRINT OR TYPE NAME

JAMES OWENS

DATE

02/28/08

Deliver to the Executive Officer, Board of Supervisors, County of Los Angeles, Room 383, Kenneth Hahn Hall of Administration, 500 W. Temple St. LA, CA 90012

ATTACHMENT TO CLAIM FOR DAMAGES TO PERSON OR PROPERTY

Note re No. 2: NAMES OF SHERIFF PERSONNEL INVOLVED:

I am not personally aware of the officers' names. These were names given to Nancy English the following day by a Lieutenant Valencia out of the Lennox Sheriff's Office. He identified himself as being the Watch Commander for the Deputy stating, "He shouldn't have done that."

Continuation of No. 3: HOW DAMAGE OR INJURY OCCURRED:

One of the deputies shouted from his vehicle for me to put my hands behind my head. I did so and he then exited his vehicle and grabbed my hands and pulled them down behind my back. He started kicking my feet apart and I asked that he please be careful as I had some pain recently in my left knee and he was causing increased pain. He patted me down and when he got to my left knee he hit it stating, "You mean that knee?" He then told me to get into the back seat of one of the sheriff's vehicles and while I was attempting to do so without bending my knee too much because of the pain I was experiencing he simply pushed me in stating, "now you're in."

I have now been advised by an orthopedic surgeon that I have permanent injury to my left knee that will require surgery.

EXHIBIT “B”

CERTIFIED COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES (JIM) OWENS,)
)
 PLAINTIFF,)
)
 VS.) CASE NO. CV08-07116 DG
)
 COUNTY OF LOS ANGELES, ET AL.,)
)
 DEFENDANTS,)
)

DISK ENCLOSED

DEPOSITION OF JAMES OWENS

TAKEN ON

THURSDAY, FEBRUARY 25, 2010

NORMAN SCHALL & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS

REPORTED BY:

JACQUELINE M. HARRIS
C.S.R. 7459

1055 Wilshire Blvd., Suite 1503
Los Angeles, CA 90017
(800) 734-8838
(213) 481-3636 Fax
e-mail: SchallDepo@aol.com
www. SchallCourtReporters.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

4 JAMES (JIM) OWENS,)
5 Plaintiff,)
6 vs.) CASE NO. CV08-07116 DG
7 COUNTY OF LOS ANGELES,)
8 DEPUTY MARTINEZ, DEPUTY)
9 SHESHIRE, DOES 1-10, INC.,)
Defendants.)

12 DEPOSITION OF JAMES OWENS, taken by the defendant
13 COUNTY OF LOS ANGELES, ET AL, at 801 South Figueroa
14 Street, 15th Floor, Los Angeles, California, commencing
15 at 10:20 o'clock a.m., Thursday, February 25, 2010,
16 before JACQUELINE M. HARRIS, C.S.R. No. 7459, pursuant
17 to Notice.

1 APPEARANCES:

2

3 For the Plaintiff. JAMES OWENS:

4 LAW OFFICES OF GARY S. CASSELMAN
5 BY: GARY S. CASSELMAN, ESQ.
6 3415 South Sepulveda Boulevard
7 Suite 100
8 Los Angeles, California 90034

9 For the Defendants, COUNTY OF LOS ANGELES, ET AL.:

10 MANNING & MARDER, KASS, ELLROD, RAMIREZ
11 BY: TREAVOR GRIMM, ESQ.
12 801 South Figueroa Street
13 15th Floor
14 Los Angeles, California 90017

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1 we finish. Okay?

2 A. Sounds fair to me.

3 Q. Is there any reason you can't -- we are
4 here to talk about an incident between you and the
5 three deputies. I believe the date was December 16,
6 2007.

7 Does that sound right to you?

8 A. 15th, 2007.

9 Q. 15. Okay. And that was about 11:30 at
10 night?

11 A. After that, 11:30, 1150.

12 Q. Okay. In there. All right. Okay. So is
13 there any reason that you can't think back to that
14 incident and testify accurately?

15 A. I'll do my best.

16 Q. Okay. What I mean is are you on any sort
17 of medication at all that might impair your memory?

18 A. I was on medications, but now I'm just
19 taking pain killers.

20 Q. Okay. Have you taken any pain killers
21 today?

22 A. No, not this morning.

23 Q. Okay. How about last night?

24 A. Yes, I did last night.

25 Q. What sort of pain killers did you take?

1 A. I was putting the key into the lock on the
2 car door to unlock the door to open it to get in to
3 get the items.

4 Q. Okay. And you said two cars had their
5 lights blacked out. They were off?

6 A. Their headlights were off. They had their
7 running lights on.

8 Q. Okay. And did you think anything of it at
9 the time you went out there? I mean --

10 A. No, sir.

11 Q. Is it fairly common to see police officers
12 on that street at night?

13 A. At night?

14 Q. Yeah.

15 A. Any time of the day.

16 Q. Okay. So they are frequent visitors
17 there?

18 A. They patrol the neighborhood, you know,
19 fairly well.

20 Q. Okay. Would you say you see police cars
21 on a daily basis there?

22 A. No. Not on a daily basis.

23 Q. Can you estimate about how often per week
24 or per month or whatever it might be?

25 A. Maybe four times a week.

1 Q. Okay.

2 A. Maybe.

3 Q. And are the police cars that you see
4 fairly regularly, are they what you would identify as
5 LA County Sheriff's cars?

6 A. Yes, sir.

7 Q. Had you ever had an occasion to -- you
8 personally -- call for service from your residence
9 there at 169th?

10 A. No, sir.

11 Q. Do you know any neighbors on your block?

12 A. A couple of them and a couple of them have
13 moved.

14 Q. Okay. Since that date -- the date of the
15 incident?

16 A. Yes.

17 Q. Okay. You'll understand if I say the
18 incident date as December 15, 2007. Okay?

19 A. Yes, sir.

20 Q. Okay. And do you know the neighbor that
21 lives at 4109 169th Street or did you know that
22 person on the date of the incident?

23 A. No, sir.

24 Q. Do you -- would you know the people that
25 live at that house by sight?

1 A. No, sir.

2 Q. After -- are you aware that the Sheriff's
3 Department received a call for service from that
4 address?

5 A. Yes, sir. I was informed of that.

6 Q. Okay. Have you heard the tape recording?

7 A. Yes, sir.

8 Q. Do you recognize the voice on that tape
9 recording?

10 A. No, sir, I do not.

11 Q. Do you recognize anything -- well,
12 withdraw.

13 Did you -- was there anything on that
14 recording that you heard that gave you some sort of
15 indication that you knew the people talking on that
16 tape?

17 A. No, sir.

18 Q. Do you have any reason to believe that
19 that tape is anything but genuine call for service?

20 MR. CASSELMAN: Do you know? I mean I
21 would object that it's calling for speculation, but
22 you can answer his question.

23 BY MR. GRIMM:

24 Q. And just going forward, if I ask a
25 question like that, I don't want you to be guessing.

1 A. No, sir, I do not.

2 Q. Okay. So when you walked outside and
3 you -- how long was it after you -- after you first
4 noticed the two patrol cars, how long was it between
5 that moment and the time that you actually made
6 contact with them in terms -- or they made contact
7 with you? By contact, I mean talking to you,
8 engaging you, asking you things?

9 A. Maybe a little over a minute.

10 Q. All right. And what did you -- all right.
11 And so before you saw the police officers, and after
12 you came outside, did you notice any other people on
13 that street, your street that is?

14 A. No, sir.

15 Q. What did you do upon seeing the police
16 officers?

17 A. They put a spot light in my face, told me
18 to drop what was in my hands, and put my hands up and
19 turn around. And I followed their orders.

20 Q. Did you see a third police car arrive that
21 evening?

22 A. No, sir, I did not.

23 Q. And the -- could you tell who was -- where
24 was -- withdraw.

25 Where did the command to drop what's in

1 your hands and get on the ground come from? Was it
2 the first car or the second car?

3 A. I was never told to get on the ground.

4 Q. I'm sorry. Drop what's in your hands and
5 turn around?

6 A. Yes, sir.

7 Q. Okay. Where did that command come from?

8 A. From the first vehicle.

9 Q. And where was it parked at the time that
10 you heard that command? Or was it moving.

11 A. If he was moving, he was going very slow.

12 Q. Where did they -- withdraw.

13 Your car, where was it facing? Which
14 direction?

15 A. Her car was facing west.

16 Q. So it was facing the correct direction?

17 A. Yes, sir.

18 Q. In other words, if you wanted to drive
19 off, you would already be heading west?

20 A. Yes, sir.

21 Q. Okay. And so where did the first police
22 car park in relationship to your car or your wife's
23 car?

24 A. He was probably a half of a car length
25 passed her driver door.

1 Q. All right. And parked in the middle of
2 the street?

3 A. Yes, sir.

4 Q. And how many deputies were in that car?

5 MR. CASSELMAN: That he could tell?

6 BY MR. GRIMM:

7 Q. Yeah. Of course.

8 A. One.

9 Q. And that would be the driver of course?

10 A. Yeah.

11 Q. Okay. And the second car, did it park
12 also?

13 A. Yes, sir.

14 Q. And where did it park?

15 A. Right behind his. Right behind the first
16 vehicle.

17 Q. Okay. In the middle of the street also?

18 A. Yes, sir.

19 Q. Would you be comfortable drawing a
20 diagram, just a rough diagram Ma'am?

21 A. Sure.

22 Q. The street, the house, how the cars are
23 parked.

24 A. Sure.

25 Q. I started doing it just like that, you

1 Q. Okay. All right. And so the first
2 deputy -- the first patrol car shines the light.
3 Could you tell it was a male right in the first car?

4 A. While he was conversing with me, yeah. It
5 was a male.

6 Q. In the first car?

7 A. Yes, sir.

8 Q. Okay. And how about the deputy in the
9 second car. Was that male or female?

10 A. Male.

11 Q. Okay. Was -- did a third car roll up at
12 some point?

13 A. No, sir.

14 Q. Okay. Did you ever see a female deputy at
15 the scene?

16 A. No, sir.

17 Q. And -- okay. So tell me what happened
18 after, you know, the deputy pulls up in the first
19 car. The window is down I take it when he is talking
20 to you?

21 A. No. He got out of the vehicle.

22 Q. How about when the spot light was shining
23 on you. Was that a handheld flashlight or the car?

24 A. It was the car spot light.

25 Q. All right. And did he wait until he was

1 he said, "drop what's in your hands and turn around?

2 A. I complied with his orders. And he came
3 up behind me and told me to put my hands behind my
4 head. I did so. He grabbed a hold of my hands and I
5 asked him, "what's going on?"

6 And he said, "don't worry about it. It's
7 police safety."

8 Q. And how would you describe his tone of
9 voice to you?

10 A. Rude.

11 Q. All right. Did he appear to be -- what's
12 the word -- demanding to you?

13 A. Arrogant.

14 Q. Okay. You'd characterize it as arrogant?

15 A. Arrogant, demanding, rude.

16 Q. You inquired of him, "what's this about?"

17 He said, "don't worry. It's police
18 business?"

19 A. Police safety.

20 Q. Police safety. And were you leaning
21 against the car before he grabbed your hands?

22 A. No, sir.

23 Q. And were the hands -- were your hands the
24 first part of your body that the police officer
25 touched?

1 A. Yes, sir.

2 Q. Do you know what that police officer's
3 name is?

4 A. No, I do not. They keep changing the
5 story every time Mr. Casselman gets me something.

6 Q. What do you mean by that?

7 A. One time we get told it's Pruitt -- or
8 excuse me. Cheshier and Martinez. The next time we
9 hear about it, it's Pruitt and Cheshier. Next time
10 we hear about it again, it's Martinez and Cheshier.
11 I don't know who is who by the last name.

12 Q. All right. After the first deputy --
13 we'll just refer to him as the first deputy in the
14 first car.

15 A. Okay.

16 Q. Meaning the first car, he was in front of
17 the second car. Okay?

18 A. Yes, sir.

19 Q. All right. What else -- What did he do
20 after he said "don't worry about it. It's police
21 safety?"

22 A. I yelled up to the house for Nancy. And
23 he told me to shut the hell up. I was causing a
24 disturbance.

25 Q. How loud did you yell it, if you can

1 describe it?

2 A. Kind of loud. I mean not the top of my
3 lungs, but --

4 Q. You wanted to get her attention?

5 A. I wanted to get her attention.

6 Q. And did -- was Nancy outside at the time
7 you yelled that or could you tell?

8 A. No, she was sitting on the couch right
9 next to the front door.

10 Q. Could you see her from where you were
11 standing?

12 A. No, I can't see the couch because it's
13 just off to the left as you walk in the front door.

14 Q. All right. And what do you recall -- the
15 words you used exactly?

16 A. "Nancy, get out here."

17 Q. Okay. And why did you want her out there?

18 A. Because she works for -- with the
19 department of Redondo Beach Police.

20 Q. What's her job there?

21 A. She is information technology. She takes
22 care of all the computers for the police department
23 investigators, etcetera.

24 Q. Okay. And so she works with police
25 officers?

1 Q. Did -- was any other part of your body
2 injured that night --

3 A. No, sir.

4 Q. -- as a result of your contact with the
5 police officers?

6 A. My wrists were a little sore, but nothing,
7 you know. Just from him gripping and squeezing my
8 thumbs together.

9 Q. That's what I was going to ask. How did
10 he grab your hands? In other words, were your hands
11 interlocked behind your head or were they just like
12 this?

13 A. One on top of the other.

14 Q. Okay.

15 A. Just one on top of the other.

16 Q. And how did he grab your hands?

17 A. He grabbed my right arm and pulled it
18 behind my back. And then he grabbed my left arm and
19 pulled it down behind my back and grabbed a hold of
20 my thumbs, which were together, and squeezed on them.

21 Q. All right.

22 MR. CASSELMAN: Indicating the palms
23 facing each other, for the record.

24 BY MR. GRIMM:

25 Q. Right? Is that right? They were like

1 this I mean?

2 A. My palms were out.

3 MR. CASSELMAN: Okay. So the knuckles
4 were touching.

5 THE WITNESS: The knuckles were touching.

6 MR. CASSELMAN: The palms not touching
7 each other, the back of the hands were adjacent.

8 THE WITNESS: The palms of my hands were
9 outward.

10 BY MR. GRIMM:

11 Q. Got it. And then he held on to the
12 thumbs?

13 A. Both the thumbs, yes. Very tightly.

14 Q. Do you recall -- do you know if he was
15 holding your thumbs with his left hand or right hand?

16 A. I do not remember.

17 Q. Okay. And -- okay. So then what
18 happened?

19 A. I told him -- I asked him again, "what's
20 going on?"

21 And he says, "police safety. Don't worry
22 about it." And I -- and he goes, "I am going to pat
23 you down."

24 And I said, "whatever you do, be careful
25 of my left knee. I had a cortisone injection on it

1 Friday morning."

2 Q. All right. And what did he say in
3 response, if anything?

4 A. At that time, he took his boot, swiped my
5 legs out, which is what injured my knee.

6 Q. Okay.

7 MR. CASSELMAN: I think he is asking you
8 if he said anything at that point.

9 THE WITNESS: No, he didn't say anything
10 else.

11 BY MR. GRIMM:

12 Q. So -- all right. So if I understand the
13 sequence, tell me if I'm wrong. You say, "what's
14 going on?"

15 He says, "don't worry about it. Officer
16 safety."

17 MR. CASSELMAN: Police safety.

18 BY MR. GRIMM:

19 Q. Police safety. All right. He grabbed --
20 he took both your hands behind your back, grabbed
21 your thumbs, and then you said, "Nancy, get out
22 here?"

23 A. I said that before he even got my hands
24 behind my back.

25 Q. Okay.

1 Q. What did you say?

2 A. I screamed because it hurt.

3 Q. And did he say anything to you other than,
4 you know, begin to pat you down?

5 I mean in other words, you screamed. He
6 begins patting you down, and then he smacked your
7 left knee about three times?

8 A. About three times. And he says, "so
9 that's your left knee?"

10 Q. All right. And then what did you say, if
11 anything.

12 A. I said, "yeah."

13 Q. And was there any further conversation?

14 A. No.

15 Q. All right.

16 A. He said -- after that, he says, "I am
17 going to put you in the car and I am going to run
18 your name." And at that point, he pulled me
19 backwards, opened the car door, told me to, "get in."
20 I went to sit down. He says, "get in."

21 I says, "I cannot bend my knee that far
22 back to get in the back of this vehicle."

23 So he put his hand on my chest, shoved me
24 through the back seat. He says, "you are in now,
25 aren't you."

1 A. No, sir. He didn't.

2 Q. Okay. Just trying to get a -- he never
3 touched your chest with his hands until you actually
4 were sitting in the back of the car; correct?

5 A. Correct.

6 Q. Okay. And so when you first sat down,
7 were your legs protruding out of the car?

8 A. Yes, sir.

9 Q. And when he pushed your chest, did you
10 then -- did your back then -- did you fall backwards
11 on to the -- laying down with your back on the seat?

12 A. I didn't fall all the way backwards, no.

13 Q. Okay. But it caused you to scoot in
14 farther?

15 A. Yes.

16 Q. Scoot in farther into the back seat?

17 A. Yes, sir.

18 Q. Did he close the door then?

19 A. Yes, sir.

20 Q. And then what did he do?

21 A. He promptly got into the front seat of his
22 vehicle and got on his computer. And he then asked
23 me what my name was.

24 Q. Did he ask you for your driver's license
25 at any time?

1 A. No.

2 Q. And did you give him your correct name?

3 A. Yes, sir.

4 Q. Did he ask you for your birth date?

5 A. Yes, sir.

6 Q. Okay. Did he ask you for any further
7 information?

8 A. Where my residence was.

9 Q. And did you respond to him?

10 A. Yes, sir. I told him my name was Jim
11 Owens. And he replied, "is it Jim or James on your
12 driver's license?"

13 And I told him, "I haven't looked at my
14 driver's license in over five years. I don't know if
15 it says Jim or James on it."

16 Q. Okay. You never have to use your license
17 to -- in connection with using your credit card or
18 anything like that?

19 A. I don't own a credit card.

20 Q. Okay.

21 A. My ex wife made sure of that.

22 Q. Sorry. Your ex wife?

23 A. Made sure that.

24 Q. Oh, that you couldn't get any credit?

25 A. Exactly.

1 Q. Yes?

2 A. Yes.

3 Q. All right. And what happened after he
4 finished running you and you had no warrants?

5 A. I set in the car for a little while.

6 Q. About how long?

7 A. A couple more minutes.

8 Q. What's your total estimated time inside
9 that car?

10 A. Probably 10 to 15 minutes. Somewhere in
11 there.

12 Q. Did it -- how long did you --

13 A. It seemed like an eternity, but --

14 Q. It seemed like an eternity?

15 A. Yeah.

16 Q. And how long did -- was he running your
17 information on a computer that was in the car?

18 A. Yes.

19 Q. How long do you think he was actually, you
20 know, working on that computer?

21 A. I could not tell you how long he was
22 actually working on it.

23 Q. Of the approximately 10 to 15 -- did you
24 say 10 to 15 --

25 A. Somewhere in there. I mean I could be off

1 by five minutes. You know, just approximately. I
2 was more in pain, thinking of what was going on, than
3 checking my watch.

4 Q. Gotcha. Was the deputy inside the patrol
5 car with you for that entire estimate you just gave?

6 A. Yes, sir.

7 Q. Was there any further conversation with
8 that deputy other than what you've told us already?

9 A. No, sir.

10 Q. What did the deputy do after he said that
11 you have no warrants?

12 A. The other deputy that was talking to Nancy
13 came over to his car and opened up the back door.
14 And him and Nancy, as well, helped me out of the back
15 seat.

16 Q. Did you hear -- before that happened,
17 before the other deputy walked over to where you were
18 sitting, did you hear any conversation between the
19 two deputies?

20 A. They weren't talking. One was coming down
21 the driveway towards the street and the other one was
22 still in his vehicle.

23 Q. Okay. And so what you are doing now, you
24 are describing for me what they were doing. I'm
25 merely asking at any time up to the point where the

1 she was talking to the person she was talking to at
2 the Sheriff's Department.

3 Q. Okay. Before she called the Sheriff's
4 Department the next day, did she tell you the name
5 that she thought she saw on the second deputy's
6 uniform?

7 A. Huh-uh.

8 Q. No?

9 A. No, sir.

10 Q. Okay. And I'm sorry. Did you tell me
11 your estimate of the age of the second deputy? I
12 can't remember.

13 A. I did not tell you that and I do not know.
14 Approximately 30 to 40 years of age.

15 Q. And you said --

16 A. I'm guessing.

17 Q. Okay. The first one you said you thought
18 he was in his 30's?

19 A. Approximately in his 30's.

20 Q. All right. Did you have any conversation
21 at all with the second deputy?

22 A. Second deputy helped me out of the vehicle
23 along with Nancy. And he says, "have a good night."

24 Q. All right. Did you have any further
25 conversation that we haven't talked about?

1 A. No, sir.

2 Q. Did you ever ask any further questions?

3 You know, at the outset, you said "what's this about"
4 or something to that effect to the first deputy.

5 But did you ever ask any questions of
6 either of the deputies later?

7 A. Myself personally?

8 Q. Yes.

9 A. No.

10 Q. And I take it you are making a distinction
11 and that you heard that Nancy did ask some questions?

12 A. He said something later that she asked a
13 couple questions, but the deputy that she was
14 speaking to in the driveway kind of changed the
15 subject for her and asked her who she was. What she
16 had done for a living. Where does she work. And
17 going on about that she responded with, "I work for
18 or with the police department. I do all their
19 computers in their cars, etcetera. You know,
20 detectives, etcetera."

21 And he stated something to the fact of --
22 started talking about how crappy their computers were
23 in the Sheriff's vehicles. So as far as him
24 explaining anything directly to her, I don't believe
25 he did.

1 are him, Ms. English, and the two deputies.

2 MR. CASSELMAN: Right.

3 BY MR. GRIMM:

4 Q. Right?

5 A. That's correct.

6 Q. All right. So did you -- you eventually
7 filed a complaint; right?

8 A. Yes.

9 Q. A citizen's complaint?

10 A. Uh-huh. Yes, sir.

11 Q. And what was the reason for doing that?

12 A. I didn't feel I was treated professionally
13 with good conduct and I got injured over it. And I
14 wasn't explained to why they were even questioning
15 me.

16 Q. All right. And then -- do I have that
17 Complaint, Gary?

18 MR. CASSELMAN: I don't know what you
19 have.

20 BY MR. GRIMM:

21 Q. Was the -- was the Complaint made in
22 person at the station or over the phone?

23 A. Over the phone, sir.

24 Q. And you made the Complaint?

25 A. No. My wife did. My girlfriend at the

1 time, my wife now, was the one that made the phone
2 call.

3 Q. Is that the next day?

4 A. That was the next morning, yes.

5 Q. Okay. Is that the only call that you are
6 aware of?

7 A. That I was aware of that she called.

8 Q. Yes.

9 A. That's the first call that she called and
10 made a phone call, yes.

11 Q. And the only one?

12 A. That she called?

13 Q. Yes.

14 A. I'm assuming that's the only one she
15 called, yes.

16 Q. Did you make any phone calls?

17 A. She received a phone call prior from a
18 detective to talk to me. I was working. And I
19 returned his phone call a few days later.

20 Q. Do you recall the name of the person?

21 A. I don't recall the detective's name.

22 Q. Did you speak with him?

23 A. Yes, sir, I did.

24 Q. Was it a male?

25 A. Yes, sir, it was.

1 a male and a female."

2 Q. How long after the incident was it that
3 you actually spoke with this person?

4 A. Within a week.

5 Q. And did he tell you that after the -- did
6 he tell you he was calling to investigate what
7 happened?

8 A. Yes, sir, he did.

9 Q. Did he tell you he would get back to you
10 and let you know the results of the investigation?

11 A. I don't recall him saying that.

12 Q. Did you tell him that -- well, you said
13 Nancy called about the Complaint initially. But did
14 you tell the detective that called you that you spoke
15 with, did you say, "I am making a complaint against
16 the one deputy?"

17 A. I didn't know the deputy's name that -- at
18 the time that actually put his hands on me.

19 Q. Do you have any complaints about the
20 actions of the second deputy? I'm not asking you for
21 any official legal conclusion, I just want to know do
22 you personally feel that the second deputy did
23 anything wrong in your mind that would be wrong?

24 MR. CASSELMAN: Well --

25 THE WITNESS: I don't really understand

1 MR. CASSELMAN: You are not a lawyer.

2 BY MR. GRIMM:

3 Q. That's all I'm asking.

4 A. I don't know that he did anything that
5 wasn't by the book when he was talking to Nancy.

6 Q. All right. How about when he came over
7 and assisted you from the car?

8 A. When he opened the door on the car to let
9 me out, he says, "have a good night."

10 Q. Did he touch you at all?

11 A. I don't believe he did.

12 Q. And what's your total estimate from the
13 time the first deputy first touched you until the
14 time when the -- withdraw.

15 MR. CASSELMAN: Second deputy?

16 BY MR. GRIMM:

17 Q. Did both deputies leave at the same time?

18 A. The first deputy never got out of his
19 vehicle. The second deputy got into his vehicle.
20 They continued to drive east on 169th Street. They
21 went down to the end of the cul de sac area, which
22 it's a dead end street, but it wraps around.

23 Q. It has a cul de sac on it?

24 A. Not really a cul de sac, it wraps around
25 from one street. It goes down and it curves and

1 the other deputy?

2 MR. CASSELMAN: That's vague and
3 ambiguous, but he can tell you what he knows. That's
4 about it.

5 BY MR. GRIMM:

6 Q. I want to fix it. I don't want there to
7 be any -- I don't want it to be vague or ambiguous.

8 I am just saying can you say with
9 certainty that Deputy Martinez, the female police
10 deputy, did not respond?

11 A. I never saw a female deputy that night.

12 Q. Okay. And so are you telling me that you
13 can't say for sure that she didn't respond or are you
14 saying she did not respond?

15 MR. CASSELMAN: I think the question is
16 argumentative. He says he didn't see her. That's
17 all he can say.

18 BY MR. GRIMM:

19 Q. Is that right? Is that accurate?

20 A. I did not see a third deputy that night.

21 Q. Okay. All right. So then --

22 MR. CASSELMAN: Can we go off the record
23 one second?

24 (Discussion held off the record.)

25 / / / / /

1 was doing with the second deputy or if he was looking
2 straight ahead the whole time and wasn't observing
3 what was going on behind him, he can tell me that.
4 Right? I mean he can tell me that he wasn't looking
5 around to see if somebody else might have arrived.

6 Q. I don't know -- I am not following you. I
7 am not -- he doesn't have to agree that everything
8 she wrote here was what she observed. I'm just
9 trying to find out if you were in a position and/or
10 conscious enough and looking around enough to say
11 that there was no other deputy at any time on that
12 street. That's it.

13 A. I did not see any other deputies arrive
14 that night except for the two that arrived in the
15 vehicles that were males. I did not see any car come
16 up. I did not hear another vehicle come up. I did
17 not see a female deputy.

18 Q. Okay. And I appreciate that. Can you
19 tell me for sure that had another deputy responded,
20 you would have seen it?

21 MR. CASSELMAN: You mean arrived at the
22 location?

23 BY MR. GRIMM:

24 Q. Yeah. On the street. Maybe parked across
25 the street?

1 the names. I understand there's some confusion. But
2 he says that he when he arrived, he saw a male adult
3 white leaning into a parked car.

4 Were you leaning into a parked car at the
5 time you first noticed the deputies?

6 A. Not the first time I noticed them.

7 Q. Okay.

8 A. I noticed them when they were down the
9 street and had just their driving lights --

10 MR. CASSELMAN: Just answer the question.

11 BY MR. GRIMM:

12 Q. Okay. And I appreciate that.

13 Did you actually open the car and lean
14 into it after you saw -- after you first saw the
15 deputies?

16 A. Yes.

17 Q. Okay.

18 A. I unlocked the door, opened it, and got
19 inside, and got the address book.

20 Q. Did you have the address book in your hand
21 at the time the first deputy told you to drop what
22 was in your hands?

23 A. Yes, I did.

24 Q. What else did you have in your hands, if
25 anything?

1 A. The pen that was attached to the address
2 book.

3 Q. What about your -- the car key?

4 A. The car key was still in the door.

5 Q. Okay. So that -- you did not have that in
6 your hands?

7 A. No. I left the car key in the door.

8 Q. Okay. And this Deputy Cheshier says he
9 saw a deputy doing a cursory search or a pat down
10 search essentially is what that means.

11 You were patted down; correct?

12 A. Yes. One of the deputies did pat me down.

13 Q. Were you aware -- or on the date of the
14 incident, was this area of Lawndale a gang area?

15 MR. CASSELMAN: I think you misspoke. You
16 said the Cheshier says he saw a deputy doing the pat
17 down. I believe that Cheshier is the one who had all
18 the physical contact with --

19 MR. GRIMM: You are right.

20 MR. CASSELMAN: -- my client.

21 MR. GRIMM: You are right. You are right.
22 I apologize for that.

23 Q. On the day of the incident, was this area
24 of Lawndale a gang area? Would you have considered
25 it a gang area?

1 A. I would consider this part of Lawndale a
2 gang area.

3 Q. Yeah. Are there gang members that you are
4 aware of, gang crimes, you know, just from living
5 there? Are you aware of that?

6 A. I have never seen any gang crimes on my
7 street.

8 Q. Okay.

9 A. I mean I'm sure in that area, there are.
10 I mean there's -- I've seen taggings on the side of
11 the freeway wall. But as far as on my street, and I
12 have been there a while, I have never experienced
13 anybody doing any harm to anybody else's vehicles or
14 houses or persons.

15 Q. How long did you live there as of the date
16 of the incident?

17 A. I'm sorry.

18 Q. How long before the incident happened did
19 you move in there? How long had you been living
20 there?

21 A. Since 1998.

22 Q. Okay. And did you have fairly regular
23 hours on your job? Were you working at the
24 orthopedic clinic from the time you moved into that
25 house --